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**Fax:** (703) 872-8308**Phone:** (713) 934-4089**No. of****Pages:** 3**Date:** May 5, 2005**Re:** COMMENTS ON EXAMINER'S  
REASONS FOR ALLOWANCE**File:** 2000.086400/TT4559☐ **Urgent** ☒ **For Review** ☐ **For Your File** ☐ **Please Reply** ☒ **Please Handle**

\* w/o coversheet

**ORIGINAL:** \_\_\_ Will follow  X  Will not follow**RE: U.S. PATENT APPLICATION SERIAL NO. 10/044,340****ENTITLED: "METHOD AND APPARATUS FOR PERFORMING FAULT DETECTION USING DATA FROM A DATABASE"****INVENTOR: ELFIDO COSS, JR. ET AL.****EXAMINER: MARC M. DUNCAN****ART UNIT: 2113****CONFIDENTIALITY NOTE**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ELFIDO COSS, JR.  
MICHAEL R. CONBOY  
SUSAN HICKEY

Group Art Unit: 2113

Examiner: MARC M. DUNCAN

Conf. No.: 8005

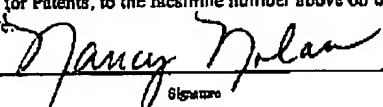
Atty. Dkt.: 2000.086400/TT4559

Serial No.: 10/044,340

Filed: JANUARY 11, 2002

CUSTOMER NO.: 23720

For: METHOD AND APPARATUS FOR  
PERFORMING FAULT DETECTION  
USING DATA FROM A DATABASECOMMENTS ON EXAMINER'S OF REASONS FOR ALLOWANCEMAIL STOP: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.6(d)	
DATE OF TRANSMISSION:	May 5, 2005
FACSIMILE NO.:	(703) 872-9306
I hereby certify that this paper is being transmitted via facsimile to Commissioner for Patents, to the facsimile number above on the date indicated above.  Signature	

Sir:

It appears that for convenience, the Examiner has paraphrased the claimed language in the Reasons for Allowance. While the Applicants understand the Examiner's desire to use convenient phraseology, the Applicants note that the proper scope of the claims should be governed based on the express language of the claims themselves in the event there is any inconsistency (actual or perceived) between the claimed language and Examiner's paraphrasing. Furthermore, words used in the Examiner's paraphrasing should not be construed as claim limitations if the claims themselves do not include the language referenced by the Examiner.

Other references or characterizations made by the Examiner in his Reasons for Allowance that are not present in the claims are not to be construed as limitations.

Applicants agree with the Examiner that the prior art do not describe or suggest Applicants' invention as set forth in claims 1-3 and 5-30. However, the Examiner made a statement that recites "The prior art was not found that explicitly teaches to fairly suggest the group comprising process state data, tool state data, offline metrology data and integrated metrology data..." (see bottom of page 2 through top of page 3 of the Notice of Allowance). Examiner's comments seemed to suggest that Markush Groups exist in the claims. Applicants respectfully assert that the claims there are no Markush Groups in the claims. The intended respective scopes of the claims are defined by the respective languages recited in the claims.

Applicants respectfully assert that patentable weight does not necessarily go to all of the language of the claims. The combination of the language in each claim generally defines the patentable invention recited by each claim. Therefore, the language in each claim defines the respective scope of the claim.

Should the Examiner have any questions, the Examiner is invited to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069.

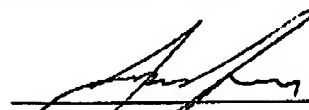
Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.  
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Date:

5/5/05

By:

  
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